

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

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|---------------------------------|---|---------------|
| CHRISTOPHER WAYNE WEBB, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | CIV-13-493-HE |
| |) | |
| JUSTIN JONES, Director, et al., |) | |
| |) | |
| Respondents. |) | |

REPORT AND RECOMMENDATION

Petitioner, a state prisoner appearing *pro se*, files this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. §2254. The matter was referred to the undersigned Magistrate Judge by United States District Judge Heaton on May 15, 2013, for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B). The undersigned finds:

(1) That the Petitioner is presently a prisoner in the custody of the Lawton Correctional Facility, Lawton, Comanche County, Oklahoma, which is located within the territorial jurisdiction of the Western District of Oklahoma. 28 U.S.C. §116(c).

(2) That the Petitioner demands his release from such custody and as grounds therefore alleges he is being deprived of his liberty in violation of his rights under the Constitution of the United States.

(3) That the court which imposed upon Petitioner the judgment of conviction and sentence under attack was the District Court of Bryan County, Oklahoma, which is located within the territorial jurisdiction of the Eastern District of Oklahoma. 28 U.S.C. §116(b).

(4) The Eastern District of Oklahoma, as the place of Petitioner's convictions, and the Western District of Oklahoma, as the place of his custody, have concurrent jurisdiction to entertain the application for writ of habeas corpus. 28 U.S.C. §2241(d). However, the Court has discretion to transfer the action to the Eastern District of Oklahoma for hearing and determination.

(5) In the interest of justice, the Court should exercise its discretion to transfer the Petition to the Eastern District of Oklahoma, where the conviction was entered and state court records and counsel are generally located. 28 U.S.C. §1406(a).

RECOMMENDATION

Accordingly, it is recommended that this 28 U.S.C. §2254 Petition for a Writ of Habeas Corpus be transferred to the United States District Court for the Eastern District of Oklahoma. The Petitioner is advised of his right to file an objection to this Report and Recommendation with the Clerk of this Court on or before June 5th, 2013, in accordance with 28 U.S.C. §636 and LCvR 72.1. The failure to timely object to this Report and

Recommendation would waive appellate review of the recommended ruling. Moore v. United States of America, 950 F.2d 656 (10th Cir. 1991); cf. Marshall v. Chater, 75 F.3d 1421, 1426 (10th Cir. 1996)(“Issues raised for the first time in objections to the magistrate judge’s recommendations are deemed waived.”).

This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in the captioned matter, and any pending motion not specifically addressed herein, including Petitioner’s Motion to Assume Jurisdiction, is DENIED.

ENTERED this 16th day of May, 2013.


GARY M. PURCELL
UNITED STATES MAGISTRATE JUDGE